

**CODE OF CRIMINAL PROCEDURE (WEST BENGAL
AMENDMENT) ACT, 1981**

47 of 1981

[24th December, 1982]

CONTENTS

1. Short title
2. Application of the Act
3. Amendment of section 438

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An Act to amend the Code of Criminal Procedure, 1973, in its application to West Bengal. WHEREAS it is expedient to amend the Code of Criminal Procedure, 1973, in its application to West Bengal, for the purposes and in the manner hereinafter appearing; It is hereby enacted as follows:

1. Short title :-

This Act may be called the Code of Criminal Procedure (West Bengal Amendment) Act, 1981.

2. Application of the Act :-

The Code of Criminal Procedure, 1973 (hereinafter referred to as the principal Act), shall, in its application to West Bengal, be amended in the manner hereinafter provided.

3. Amendment of section 438 :-

To sub-section (1) of section 438 of the principal Act, the following proviso shall be added:

"Provided that where the apprehended accusation relates to an offence punishable with death, imprisonment for life or imprisonment for a term of not less than seven years, no final order shall be made on such application without giving the State not less

than seven days' notice to present its case.". Assent of the President was first published in the Calcutta Gazette, Extraordinary, dated the 24th December, 1982.